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8 Attorney for Petitioner Oscar Perez-Marquez

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA
11

12 OSCAR PEREZ-MARQUEZ,,
13

Petitioner,

14 v.

15 JO GENTRY, ET AL.,,
16

Respondents.

Case No. 2:17-cv-01501-RFB-PAL

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
SECOND AMENDED PETITION FOR
WRIT OF HABEAS CORPUS**

(FIRST REQUEST)

17
18 Petitioner Oscar Perez-Marquez, by counsel, moves this Court for the entry of
19 Order extending the time within which he must file a Second Amended Petition for
20 Writ of Habeas Corpus by 91 days from April 9, 2018 to and including July 9, 2018.
21 Perez-Marquez's request is based on the record in this case and the attached Points
22 and Authorities. The state, by Deputy Attorney Sheryl Serreze, does not object to
23 this request.
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POINTS AND AUTHORITIES

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2 1. On December 18, 2017 the Office of the Federal Public Defender was
3 appointed as counsel for Petitioner, Oscar Perez-Marquez (ECF No.24). Undersigned
4 counsel filed her appearance on February 7, 2018 (ECF No. 34).

5 2. This is Perez-Marquez's first request for an extension of time. This
6 motion is not filed for the purposes of delay but in the interests of justice, as well as
7 in the interests of Perez-Marquez.

8 3. Counsel's schedule and circumstances beyond her control have
9 precluded her from meeting the current deadline of April 9, 2018. On February 27,
10 2018, counsel travelled to Saguaro, AZ to meet with Perez-Marquez for the first time.
11 At this meeting, counsel learned that extensive investigation may be necessary for
12 the filing of an Amended Petition in his case. Furthermore, the office of the Federal
13 Public Defender has been diligently trying to obtain prior counsel files, but to date,
14 has not been able to gather all of prior counsels' files. Furthermore, counsel has filed
15 three petitions in the past 30 days, one of which had AEDPA time, and will file
16 another petition on April 13, 2018. Counsel is preparing an evidentiary hearing in
17 state court, and counsel has filed various other pleadings in the weeks prior.

18 4. On April 5, 2018, counsel e-mailed Deputy Attorney Sheryl Serreze
19 regarding her requested extension. On April 5, 2018, she responded that she does not
20 object to this request. However, Ms. Serreze's lack of objection does not constitute a
21 waiver of any procedural defenses Respondents may wish to raise in response to the
22 amended petition including, but not limited to, timeliness, procedural default, and
23 questions of exhaustion.

24 5. The requested extension is necessary for counsel to complete her review
25 of the case and to draft and file the Amended Petition for Writ of Habeas Corpus. For
26 these reasons, as well as the record in this case, Perez-Marquez respectfully asks this

1 Court to grant his request to extend the time for filing a Second Amended Petition by
2 90 days until July 9, 2018.

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4 Dated this 9th day of April, 2018.

5 Respectfully submitted,

6 RENE L. VALLADARES
7 Federal Public Defender

8 /s/ Kimberly Sandberg
9 KIMBERLY SANDBERG
10 Assistant Federal Public Defender

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12 IT IS SO ORDERED:

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14 RICHARD F. BOULWARE, II
15 United States District Court

16 Dated: April 11, 2018.
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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Sheryl Serreze.

Oscar Perez-Marquez
No. 91579
Saguaro Correctional Center
1250 E Arica Rd
Eloy, AZ 85131

An Employee of the
Federal Public Defender